

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Lee et al.)
Filed: July 18, 2003)
Serial No.: 10/623,436) Group Art Unit: 1743
Title: Reaction Cuvette Having Anti-Wicking)
Features For Use in an Automatic Clinical)
Analyzer) Examiner: Handy, D.
Attorney Docket: DCS-9158)

STATUS INQUIRY RE: ISSUE NOTIFICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The applicants have received an Issue Notification in the above identified application. However, the applicants believe the current application status to be abandoned. Accordingly, the applicants are informing the Office of a possible error in processing of the application.

Case History

On October 3, 2005, the Patent Office issued a Notice of Allowance in the above-identified application. The applicants paid the issue fee on November 9, 2005.

However, on February 3, 2006, the Patent Office mailed a Notice to File Corrected Application Papers requesting that the applicant provide a missing eight-digit serial number of an application cited in the specification. The Notice specifically requested that the applicant "Fax missing information to number below or email." On February 9, 2006, the applicants did fax a Response to the Notice to the fax number specifically requested by the Patent Office.

After not receiving an Issue Notification from the Patent Office, the applicants filed a status inquiry on June 8, 2006. On June 12, 2006, the Patent Office issued a Status Letter stating that the application had become abandoned for failure to respond to the Notice to File Corrected Application Papers. On June 20, 2006, the applicants filed a Request for Reconsideration of Holding of Abandonment, and provided a photocopy of the Response to the Notice filed on February 9, 2006, as well a photocopy of the facsimile confirmation produced by the applicants' fax machine.

The Patent Office considered the applicants' Request for Reconsideration of Holding of Abandonment to be a Petition under 37 C.F.R. § 1.181. On September 11, 2006, the Patent Office dismissed the petition. As part of the decision, the Patent Office stated that the applicants should have faxed their Response to the Notice to File Corrected Application Papers to the Official Fax filing line, apparently despite the fact that Patent Office had specifically requested in writing that the applicants send the Response to another number.

The petition decision suggested that the applicants consider filing a petition to revive the application on the grounds of unintentional delay. In attempt to further the prosecution of the application, the applicants decided to file such petition on November 10, 2006.

However, the applicants then received an Issue Notification mailed November 1, 2006, assigning a Patent Number to the application and an issue date of November 21, 2006.

Request for Clarification of Status.

The applicants request that the Patent Office clarify the status of the above-identified application. If the application is indeed currently abandoned, the applicants respectfully request that the Patent Office grant the pending Petition before the issue date, or take other appropriate measures to remedy the situation.

Respectfully submitted,



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